

NEW HAMPSHIRE LAW LIBRARY

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Mar. 10

CONCORD, N.H.

The Honorable Hugh Gregg  
Governor of New Hampshire  
Concord, New Hampshire

Dear Governor Gregg:

By letter of March 2, 1953 the Director of Accounts forwarded to this office your request for an opinion as to the source or sources from which funds are available for continuation of additional retirement annuities, pursuant to the provisions of chapter 27 of the Revised Laws, chapter 27-A, section 5, paragraph II (c), as inserted by Laws of 1945, chapter 183. It is my opinion that there is no source from which these funds are available at the present time, in view of recent enactment of chapter 17 of the Laws of 1953, which appears to prohibit utilization of the emergency fund for such a purpose.

Therefore, a supplemental appropriation bill is needed to provide funds for the continuation of these additional annuities to July 1, 1953 (commencement of the next fiscal year) and the executive budget request for the ensuing biennium should be increased to meet prospective needs for such additional retirement annuities as the present Governor and Council may wish to provide in the next biennium.

All of this assumes that in the discretion of the Governor and Council it is determined that such additional state annuities shall be payable, in view of the wording of section 5, paragraph II (c), which provides that "such additional state annuity shall be payable only upon the authority and at the discretion of the governor and council." . . .

It is noted that section 13, paragraph V provides that the Comptroller shall prepare an executive budget for each biennium to

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include in the budget the amounts certified by the Board of Trustees as needed therefor, and that the Legislature shall appropriate this amount. It would appear that such additional sums as might be contemplated by the Governor and Council for the next biennium should be provided for in this overall figure.

Respectfully,

Louis C. Wyman  
Attorney General

w/a

C.C. Forrest L. Penhman